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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/585,527	10/10/2006	Helge Hagen	709P002	4532		
42754	7590	07/28/2008	EXAMINER			
Nields & Lemack 176 E. Main Street Suite #5 Westboro, MA 01581				CARDENAS-GARCIA, JAIME F		
ART UNIT		PAPER NUMBER				
4174						
MAIL DATE		DELIVERY MODE				
07/28/2008		PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/585,527	HAGEN, HELGE
	<b>Examiner</b>	<b>Art Unit</b>
	JAIME F. CARDENAS-GARCIA	4174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10/10/2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-7 is/are allowed.  
 6) Claim(s) \_\_\_\_\_ is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10/29/2007 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/11/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 20040105, filed on 01/09/2004.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) was submitted on 09/11/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is not being considered fully by the examiner, because the included foreign documents do not include relevant translations into English of the abstracts.

### ***Quayle Action***

This application is in condition for allowance except for the following formal matters:

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

Figure 1: 14;

Figure 2: 14, 15;

Figure 3: 13.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “chains” referred to in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informalities:

Page 2, line 10: "four profiles ore frame parts" should be changed to - -four profiles or frame parts- -;

Page 2, line 33: "in principle hags feely" should be changed to - -in principle hangs freely- -;

Page 3, line 15: "will below be illustrated" should be changed to - -will be illustrated below- -;

Page 4, line 6: "cog belt 12a" should be changed to - - cog belt 12b - -;

Page 4, line 6: "2a, 6b" should be changed to - - 2b, 6b - -;

Page 4, line 12: "A motor mounted" should be changed to - - A motor 15 mounted - -;

Page 4, line 15: "onto of off" should be changed to - - onto or off - -;

Page 4, lines 21 and 22; page 5, line 3: "10, 10a" should be changed to - - 10a, 10b - -;

Page 4, line 21: "12, 12a" should be changed to - - 12a, 12b - -;

Page 4, lines 24: "pre-loaded so the it" should be changed to - - pre-loaded so that it - -;

Page 4, line 25: "bottom listing is pressed" should be changed to - - bottom listing 8 is pressed - -;

Page 4, line 26: "from the pipe 8." should be changed to - - from the pipe 18. - -;

The word "listing" occurs in numerous places in the specification. It should be changed to "list" to confer to it the proper English meaning which refers to "a border or bordering strip" or "a strip or band of any kind".

Appropriate correction is required.

#### ***Claim Objections***

This application is in condition for allowance except for the following formal matters:

Claim 1 is objected to because of the following informalities:

Line 4: "belts of chains" should be changed to - -belts or chains- -;

Line 5: "belts or chains (12a, 12b)" should be changed to - -belts or chains- -.

Claim 2 is objected to because of the following informalities:

Line 2: "listing" should be changed to "list" for reasons specified above.

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

Claims 1-7 would be allowable if rewritten or amended to overcome the objections as set forth in this Office Action.

The following is a statement of reasons for the indication of allowable subject matter:

The claim recites, “a tightening device for a horizontally or vertically running roller blind having a free end wherein the roller blind is wound out or onto a roller, and wherein the winding in or out of the roller blind from the roller is guided by the aid of belts or chains running from both ends of the roller to a rotational bearing for the belts or chains, wherein the tightening device comprises an axle located at said free end of the roller blind, wherein the axle runs between rollers being connection to the belts and which through the movement of the belts are rotated and thereby rotates the axle, the axle comprising a pre-loaded spring which through the rotation of the axle exercises a force on the axle pressing the axle in a direction away from the roller for the roller blind”.

Because none of the reference(s) in the prior art of record discloses the claimed combination which includes a tightening device that is composed of an axle fixed to the end of the roller blind, that runs between rollers that are connected to belts, wherein the axle runs between rollers being connection to the belts and which through the movement of the belts are rotated and thereby rotates the axle, the axle comprising a pre-loaded spring which through the rotation of the axle exercises a force on the axle pressing the axle in a direction away from the roller for the roller blind, nor is there any

motivation to combine them, the claims are deemed patentable over the prior art of record. Thus, claims 1-7 are allowable.

Mayr et al. United States Patent number 6 530 414 teaches an insulating glass window comprising two spaced glass panels which are sealingly joined at their circumference to form a sealed space in which a roller blind device is enclosed, the roller blind device includes a windup drum with a blind wound thereon and having a free end connected to a pull rod, and pull members are arranged at opposite ends of the drum and the pull rod is connected to the pull members. The pull members are operatively connected to a shaft on which the windup drum is rotatably supported for synchronous movement of the pull members and an electric motor is provided for rotating the shaft and the pull members, the windup drum being rotationally connected to the shaft by way of a rotational torsion spring structure. However, Mayr et al. fail to teach the use of a tightening device attached to the roller blind.

Siefert United States Patent Application Publication number 2004 0 040 675 teaches a blind for a window has a winding rod and a hanging wound onto the winding rod. Two belts on opposed sides of the hanging are supported on four end rollers arranged in pairs. A drive is connected to a first end roller or to an additional drive roller and drives the belts in a circulating movement. The winding rod rotates synchronously with the circulating belts. A leading end of the hanging is attached laterally to the belts. A device for compensating a reduction of a circumference of the hanging on the winding rod during gradual unwinding from the winding rod is provided. A circumference of the first roller or of the additional drive roller is smaller than a circumference of the hanging

when wound completely onto the winding rod and is greater than a circumference of the hanging when completely unwound from the winding rod. However, Siefert fails to teach a tightening device that acts in concert with the drive belts to achieve tightening of the roller blind.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Siefert United States Patent Application Publication number 2004 0 040 675 and Webb et al. United States Patent number 3 280 893 are also relevant to a tightening device, as are all other references included in the Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAIME F. CARDENAS-GARCIA whose telephone number is (571)270-5375. The examiner can normally be reached on m-th 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly D. Nguyen can be reached on (571) 272-2402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. F. C.-G./  
Examiner, Art Unit 4174

/JACOB CHOI/  
Primary Examiner, Art Unit 2885